

MINUTES OF COUNCIL REGULAR MEETING – MAY 13, 2014

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MAY 13, 2014, at 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor
Corey Rushton, Councilmember At-Large
Lars Nordfelt, Councilmember At-Large
Tom Huynh, Councilmember District 1
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3
Steve Vincent, Councilmember District 4

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Layne Morris, CPD Director
John Evans, Fire Chief
Lee Russo, Police Chief
Russell Willardson, Public Works Director
Kevin Astill, Parks and Recreation Director
Sam Johnson, Strategic Communications Director
Jake Arslanian, Public Works Department
Steve Lehman, CED Department

16600 **OPENING CEREMONY**

Steve Vincent who showed a video entitled, “Take a Seat and Make a Friend, and encouraged everyone to reach out and learn something new about their neighbors conducted the Opening Ceremony.

16601 **EMPLOYEE OF THE MONTH, MAY 2014 – OFFICER KENNY OLSEN, POLICE DEPARTMENT**

Councilmember Buhler read the nomination of Officer Kenny Olsen to receive the Employee of the Month award for May 2014. The award was presented and the City Council congratulated Officer Olsen.

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Officer Olsen addressed the City Council and introduced his wife, daughter and co-workers in attendance.

16602

COMMENT PERIOD

Upon inquiry by Mayor Bigelow, the following individuals addressed the City Council during the comment period:

A. PUBLIC COMMENTS

Paul Nichols addressed the City Council and stated traffic near his home on 4100 South was horrendous. Mr. Nichols stated police officers needed to be stationed there and write more tickets. He indicated traffic was getting worse and he desired the City Council to be aware of this problem.

B. CITY MANAGER COMMENTS

City Manager, Wayne Pyle, discussed and commented regarding the issues mentioned by Mr. Nichols. He advised traffic was increasing throughout the City due to population growth and development. He stated the City was aware of the issues on 4100 South and trying to mitigate some of the issues including stepping up enforcement efforts, but with limited resources. Mr. Pyle advised he would look into anything else that could be done.

He stated another issue of interest had been raised regarding the Macquarie proposal to build a fiber network as a successor to UTOPIA. He indicated there was a rumor via e-mail that the City would be adopting a mandatory utility fee without public notice within 19 days. He reported this was not true and there was nothing going on to that extent. He indicated nothing had been presented to the City Council formally at this time. He explained what was true was that discussions were on-going regarding Macquarie's Public Private Partnership (PPP) proposal to UTOPIA which would include a utility fee. He reported the proposal had been considered since last December and further advised that very soon the Council would be presented with a resolution to move to the next phase of the proposal, but not to adopt an agreement. He indicated there was a lot of information on the City's website at the present time for anyone who was interested in finding out more. In addition, there had been much media coverage regarding this matter. He also gave further explanation as to why the City would be considering the Macquarie proposal. He advised of an upcoming story to be aired by KUTV News on Channel 2. He explained the City had been a member of UTOPIA for a long time and advised that the major goals of that organization had not been fulfilled. He explained the project was not built out nor completed, and a large investment had been made by the City. He discussed finishing the project and thus stabilizing and protecting the City's investment in the

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project and this would be one option to consider after doing all the due diligence.

C. CITY COUNCIL COMMENTS

Councilmember Huynh stated many people had been talking about UTOPIA with misconceptions and questions. He suggested public meetings be held as West Valley City was the largest member of UTOPIA and residents deserved to have a questions and answers meeting to help them understand the issues. He also suggested mailing postcards to each household in the City and have Macquarie give a presentation at each meeting.

Mayor Bigelow discussed what other cities were doing to share information with residents. He advised some were also suggesting doing outside evaluations before moving forward. He recommended the City Council should discuss the matter further to determine if we should do the same. He also related discussions with citizens regarding UTOPIA and stated the utility fee was a critical issue, but not the only issue. He suggested sending out a document such as a voter information pamphlet, but there would be a cost to that measure. He explained the need to do everything possible to inform residents and encourage review of the information as people had many questions and felt uninformed. He indicated if desired by the City Council, he would be glad to make a presentation in a public meeting.

Councilmember Huynh expressed the importance of a public meeting as the word needed to be disseminated, and he discussed reasons. He advised he personally would like to hear both sides of the story and recommended a presentation by the Mayor.

Mayor Bigelow advised he would verify all information with the City Manager in order to make certain correct information was disseminated. He also stated most citizens would not attend an informational meeting, but it was incumbent on the Council to do everything possible to inform the citizenry.

16603

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. S-1-2014, FILED BY RANDY MOORE, REQUESTING THE AMENDMENT OF PARCEL A AND FINAL PLAT APPROVAL FOR MOULTON FARM SUBDIVISION, LOCATED AT 3635 WEST 4400 SOUTH

Mayor Bigelow stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. S-1-2014, filed by Randy Moore, requesting the amendment of Parcel A and final plat

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approval for Moulton Farm Subdivision located at 3635 West 4400 South. He discussed proposed Ordinance No. 14-25 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Mayor Bigelow presented proposed Ordinance No. 14-25 that would approve the amendment of Parcel A of the Moulton Farm Subdivision located at 3635 West 4400 South.

He stated the proposal would give approval for the second phase of the Moulton Farms Subdivision. He advised the property was recently re-zoned from the agricultural zone to the 'R-1-8' zone. He also advised the proposed subdivision would amend Parcel A of that subdivision.

He explained the subdivision would consist of 11 lots and one parcel, with the Moulton family retaining the parcel for the time being. He indicated it would be platted with sufficient width and depth so it could be subdivided in the future. Lot sizes ranged from 8,980 to 10,654 square feet, with the average size calculated at 9,500 square feet.

He indicated access to the subdivision would be gained from 4400 South and 3635 West. The new road servicing the 11 lots would be a single cul-de-sac, with the length of the cul-de-sac being approximately 500 feet. Street improvements for the new right-of-way would consist of curb, gutter, sidewalk and asphalt. He stated due to the limited width of the subdivision, the Public Works Department had allowed a smaller right-of-way to help with shallow lot depth.

He further advised a soils report had been provided indicating groundwater was not encountered to a depth of nine feet. The report indicated that while water conditions may fluctuate over time, it was not anticipated groundwater would be an impact in the proposed development.

He reported that during the re-zoning of the property, a development agreement had been reviewed and approved; and he discussed highlights of that agreement summarized as follows:

- All homes will be constructed of 100% masonry materials
- 25% of all homes in the subdivision will have a three-car garage
- The minimum dwelling size will be 1,500 square feet
- The single-family point system will be increased for homes with less than 1,600 square feet
- Various improvements, cleanup and repairs will be made to the existing dwelling at the corner of 4400 South 3600 West

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City Manager, Wayne Pyle, clarified the public hearing was required for the plat amendment.

Mayor Bigelow opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Bigelow closed the public hearing.

ACTION: CONSIDER ORDINANCE NO. 14-25, APPROVING THE AMENDMENT OF PARCEL A OF THE MOULTON FARM SUBDIVISION

The City Council previously held a public hearing regarding Application No. S-1-2014, filed by Randy Moore, and proposed Ordinance No. 14-25 that would approve the amendment of Parcel A of the Moulton Farm Subdivision located at 3635 West 4400 South.

After discussion, Councilmember Vincent moved to approve Ordinance No. 14-25, an Ordinance Approving the Amendment of Parcel A of the Moulton Farm Subdivision Located at 3635 West 4400 South. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16604

ORDINANCE NO. 14-26, AMEND SECTION 1-2-110 OF THE WEST VALLEY CITY MUNICIPAL CODE TO REFLECT CHANGES IN THE CONSOLIDATED FEE SCHEDULE FOR RESIDENTIAL WASTE COLLECTION SERVICES

Mayor Bigelow presented proposed Ordinance No. 14-26 that would amend Section 1-2-110 of the West Valley City Municipal Code to reflect changes in the Consolidated Fee Schedule for residential waste collection services.

He stated the proposed ordinance would modify the Consolidated Fee Scheduled effective July 1, 2014, and increase fees for residential waste collection services to offset cost of increases in landfill fees and billing and operational costs. He discussed the changes, as follows:

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	<u>Basic Service</u>	<u>Additional Garbage Can</u>	<u>Additional Recycling Can</u>
Current Fees	\$13.30	\$6.45	\$6.45
Recommended Fees	\$14.50	\$9.00	\$3.00

He reported the projected FY 2014-2015 Sanitation Fund budget had a \$535,000 revenue deficit due to increased landfill fees, higher billing costs, and annual adjustments to waste collection contracts. He advised the proposed fee increase would close the gap between projected revenues and expenditures. He indicated landfill fee increases were the bulk of the increased costs and residential waste collection fees had last been modified in 2008 with implementation of curbside recycling. Since that time, landfill fees had increased by \$9.00 per ton, or 41%. Most recently, fees had been raised \$5.00 per ton effective January 1, 2014. He stated this equated to an annual landfill cost increase of \$405,000 since the last fee adjustment.

He also stated the Sanitation Fund balance at the end of FY 2012-2013 was \$1.6 million. That figure was expected to drop to \$1.2 million by the end of the current fiscal year. He stated if no action was taken, the Sanitation Fund balance would be depleted in two years.

The Council had previously received a spreadsheet showing several alternatives for increasing fees or reducing costs by eliminating some services. The basic service included one 90 gallon garbage can, one 90 gallon recycling can, monthly bulky waste service and the neighborhood dumpster program. Though fewer residents used the bulky waste service, all these services were popular.

He advised the recommended fee increase retained all current services provided, with an increase in the basic service fee of \$1.20 per month. As an incentive to reduce waste, a higher fee of \$9.00 per month for additional garbage cans, and a lower fee of \$3.00 per month for additional recycling cans, was proposed.

He explained that with the increase, West Valley City fees would still be comparable to services and fees of other neighboring cities, as shown on the referenced spreadsheet. He advised the fee increase was being recommended now to allow time to notify residents of the increase before bills for the July service were sent out the first week of August.

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City Manager, Wayne Pyle, discussed reasons for bringing the proposal to the City Council at the present time, in particular, increased tipping fees at the landfill. He also answered questions from members of the City Council.

After discussion, Councilmember Vincent moved to approve Ordinance No. 14-26, an Ordinance Amending Section 1-2-110 of the West Valley City Municipal Code to Reflect Changes in the Consolidated Fee Schedule for Residential Waste Collection Services. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16605

RESOLUTION NO. 14-74, APPROVE AN OFFER TO PURCHASE RIGHT-OF-WAY AND A RIGHT-OF-WAY CONTRACT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) FOR THE TRANSFER OF CITY-OWNED PROPERTY LOCATED AT 5950 WEST 4700 SOUTH (PARCEL 206J)

Mayor Bigelow presented proposed Resolution No. 14-74 that would approve an Offer to Purchase Right-of-Way and a Right-of-Way Contract between West Valley City and the Utah Department of Transportation (UDOT) for the transfer of City-owned property located at 5950 West 4700 South (Parcel 206J).

He stated UDOT desired to acquire certain property owned by the City for the proposed Mountain View Corridor Project. He indicated the property to be deeded to UDOT would be the vacated portion of Westridge Boulevard resulting from the recording of the Westridge Boulevard and 6000 West Road and Slope Easement Vacation Plat.

He indicated that in 2005, West Valley City acquired land in fee for the extension of Westridge Boulevard and 6000 West. He indicated the City subsequently recorded a plat entitled, "Westridge Boulevard Extension and 6000 West Road Dedication Plat." As part of the Mountain View Corridor Project, UDOT had realigned and reconstructed a portion of 6000 West where it intersected with 4700 South. He advised that working with UDOT the City had recently recorded the Westridge Boulevard and 6000 West Road and Slope Easement Vacation Plat and

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the 6000 West Street Dedication Plat. As the City originally acquired the land in fee prior to recordation of the road dedication plat, the vacated portion of the Westridge Boulevard Extension remained in the name of the City. He stated as UDOT had constructed and dedicated a new road to connect 6000 West and 4700 South, they were now requesting West Valley City convey the vacated portion of the Westridge Boulevard Extension to UDOT.

After discussion, Councilmember Buhler moved to approve Resolution No. 14-74, a Resolution Approving an Offer to Purchase Right-of-Way and a Right-of-Way Contract between West Valley City and the Utah Department of Transportation for the Transfer of City-Owned Property Located at 5950 West 4700 South (Parcel 206J). Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16606

RESOLUTION NO. 14-75, APPROVE AMENDMENT NO. 1 TO THE AGREEMENT WITH COMMUNITY DEVELOPMENT CORPORATION OF UTAH (CDCU) FOR THE CONDUCT OF A HOME FACELIFT PROGRAM

Mayor Bigelow presented proposed Resolution No. 14-75 that would approve Amendment No. 1 to the Agreement with Community Development Corporation of Utah (CDCU) for the conduct of a Home Facelift Program.

He stated the proposal would authorize an extension to the agreement between the City and the CDCU to purchase, rehabilitate and resell homes within the City. He advised the proposal would extend the timeframe of the agreement only and did not allocate more funds.

He indicated that last year the City entered into the agreement with CDCU that ended on March 14, 2014. He reported the Council had allocated \$150,000 in CDBG funds to support this effort. He summarized that to date CDCU had:

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- Purchased and remodeled a home at 2538 West 3935 South, toured by the City Council in the month of April
- Purchased and commenced design work for a home at 3888 South 2520 West that was in serious disrepair
- Placed the home at 3222 West Mark Avenue under contract

He stated staff recommended extending the agreement until January 1, 2016, in order to finish the latter two homes and, depending on costs, perhaps a fourth home.

After discussion, Councilmember Huynh moved to approve Resolution No. 14-75, a Resolution Approving Amendment No. 1 to the Agreement between West Valley City and Community Development Corporation of Utah for the Conduct of a Home Facelift Program. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16607

RESOLUTION NO. 14-76, APPROVE AMENDMENT NO. 1 OF THE AGREEMENT FOR DEVELOPMENT OF LAND (ADL) BETWEEN WEST VALLEY CITY, THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, AND COVENTRY III/SATTERFIELD HELM VALLEY FAIR MALL, LLC, TO PROVIDE FOR THE CONTINUED EXPANSION AND REMODELING OF THE EXTERIOR AND THE INTERIOR OF THE VALLEY FAIR MALL

Mayor Bigelow presented proposed Resolution No. 14-76 that would approve Amendment No. 1 of the Agreement for Development of Land (ADL) between West Valley City, the Redevelopment Agency of West Valley City, and Coventry III/Satterfield Helm Valley Fair Mall, LLC, to provide for the continued expansion and remodeling of the exterior and the interior of the Valley Fair Mall.

He stated the ADL had been signed in November of 2011 and governed the allocation of \$5,000,000 in bond proceeds to assist in the continued redevelopment of the Valley Fair Mall. To date, \$4,000,000 had been spent on

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demolition and site preparation for the Miller MegaPlex Theater and interior remodeling of the Mall. The redevelopment of the east-facing portion of the Mall was still in the planning stages and the remaining \$1,000,000 allocated for this project had not been spent. He indicated it was proposed that the deadline for expenditure of these funds be extended from May 1, 2014, to May 1, 2016, allowing the Mall owners additional time to effectively utilize this money. He explained the amendment extended the timeframe of the agreement only and did not allocate more funds.

After discussion, Councilmember Rushton moved to approve Resolution No. 14-76, a Resolution Approving Amendment No. 1 to the Agreement for the Development of Land between the City, the Redevelopment Agency of West Valley City, and Coventry III/Satterfield Helm Valley Fair Mall, LLC, to Provide for the Continued Expansion and Remodeling of the Exterior and the Interior of the Valley Fair Mall. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16608

RESOLUTION NO. 14-77, APPROVE AMENDMENT NO. 4 TO AN INTERLOCAL AGREEMENT WITH SALT LAKE COUNTY FOR ON-GOING SUPPORT OF THE UTAH CULTURAL CELEBRATION CENTER

Mayor Bigelow presented proposed Resolution No. 14-77 that would approve Amendment No. 4 to an Interlocal Agreement with Salt Lake County for on-going support of the Utah Cultural Celebration Center (UCCC).

He stated the proposed amendment would authorize Salt Lake County to pay West Valley City the sum of \$150,000 for operation of the UCCC facility. He indicated the County desired to continue to assist in provision of cultural activities and promotion through partial funding of operations at the Utah Cultural Celebration Center. He explained because the UCCC served a regional function, the County felt it appropriate to provide support. In return for that support, the City would agree to provide use of the facility to the County for 20 days per year

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through the end of December of 2015. Also, the County's participation on the Center's Board would continue to be two members.

After discussion, Councilmember Buhler moved to approve Resolution No. 14-77, a Resolution Authorizing West Valley City to Execute Amendment No. 4 to an Interlocal Agreement with Salt Lake County for on-going Support of the Utah Cultural Celebration Center. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16609

RESOLUTION NO. 14-78, AUTHORIZE THE CITY TO PURCHASE A FORTINET FIREWALL FROM VERSATEC SYSTEMS GROUP FOR THE CITY'S COMPUTER SYSTEMS

Mayor Bigelow presented proposed Resolution No. 14-78 that would authorize the City to purchase a Fortinet Firewall from Versatec Systems Group, in an amount not to exceed \$81,752.00, for the City's computer systems.

He stated at present the City's firewall did not comply with a recent FBI audit. He indicated to pass the audit and receive police protected records the existing firewall needed to be replaced with a Fortinet Firewall.

After discussion, Councilmember Vincent moved to approve Resolution No. 14-78, a Resolution Authorizing the City to Purchase Fortinet Firewall from Versatec Systems Group for the City's Computer Systems. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes

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Mayor Bigelow Yes

Unanimous.

16610 **RESOLUTION NO. 14-79, RATIFY THE CITY MANAGER'S APPOINTMENT OF JULIE DELONG AS A MEMBER OF THE WEST VALLEY CITY CULTURAL ARTS BOARD (CAB), TERM: MAY 13, 2014 – DECEMBER 31, 2014**

Mayor Bigelow presented proposed Resolution No. 14-79 that would ratify the City Manager's appointment of Julie Delong as a member of the West Valley City Cultural Arts Board (CAB) for the term May 13, 2014, through December 31, 2014.

He stated Ms. Delong was willing to serve as a member of the CAB Executive Board and would fill a position designated for a representative of the UCCC Foundation. He advised that members of the CAB Board were appointed by the City manager with the advice and consent of the City Council.

After discussion, Councilmember Huynh moved to approve Resolution No. 14-79, a Resolution Ratifying the City Manager's Appointment of Julie Delong as a Member of the West Valley City Cultural Arts Board (CAB) Executive Board for a Term Commencing May 13, 2014, and Ending December 31, 2014. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16611 **APPLICATION NO. S-6-2014, FILED BY SHANE EVERTSEN, REQUESTING FINAL PLAT APPROVAL FOR PVA II SUBDIVISION LOCATED AT 4205 WEST 3550 SOUTH**

Mayor Bigelow presented Application No. S-6-2014, filed by Shane Evertsen, requesting final plat approval for PVA II Subdivision located at 4205 West 3550 South.

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He stated the proposed subdivision, along with the partial dedication of 4200 West 3550 South was a condition of approval regarding the PVA II conditional use request granted by the Planning Commission in May of 2013. He reported that during the conditional use review for the PVA II apartment project, a condition of approval had been attached requiring the applicant to submit a subdivision plat. He explained condition #2 read as follows:

“A subdivision plat shall be recorded showing the street dedication and acquisition of the SU Corporation property before the issuance of a building permit. The plat shall indicate an irrigation line easement along the south portion of the property.”

He indicated the subject property was presently vacant and bordered on the east by both the Ken Garff automobile dealership and residential housing. He explained residential housing also existed on the south and west sides of the property with the Pine Valley Apartments to the north.

The subdivision would consist of one lot and a partial street dedication of 4200 West and 3550 South. In addition, various easements for irrigation and storm water purposes would be located on the plat. The location of these easements was currently under review with the City’s Engineering Division.

Street improvements for the cul-de-sac would consist of curb, gutter, sidewalk and asphalt. The connection of the new street with existing improvements along 4200 West and 3550 South would be coordinated with the City Engineering Division. The developer would be required to modify the existing improvements in order to install the new cul-de-sac, especially to the east where an existing drive approach was located on the Garff property. A small portion of the Pine Valley Apartment corner would also need to be dedicated for the curb radius.

After discussion, Councilmember Lang moved to approve Application No. S-6-2014, filed by Shane Evertsen, and give final plat approval for PVA II Subdivision located at 4205 West 3550 South. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

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Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, MAY 13, 2014, WAS ADJOURNED AT 7:30 P.M., BY MAYOR BIGELOW.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, May 13, 2014.

Sheri McKendrick, MMC
City Recorder